

TRANSCRIPT OF PROCEEDINGS BEFORE
THE SENATE OF THE STATE OF TEXAS
EIGHTY-SECOND LEGISLATURE
(COMMITTEE OF THE WHOLE SENATE)
AUSTIN, TEXAS

IN RE:
CONSIDERATION OF
SENATE BILL 14

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COMMITTEE OF THE WHOLE SENATE
TUESDAY, JANUARY 25, 2011

BE IT REMEMBERED THAT AT 8:05 a.m., on Tuesday, the 25th day of January 2011, the above-entitled matter continued at the Texas State Capitol, Senate Chamber, Austin, Texas, before the Committee of the Whole Senate. The following proceedings were reported by Aloma J. Kennedy, Lorrie A. Schnoor and Kim Pence, Certified Shorthand Reporters.

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1 MS. McGEEHAN: Yeah, that number is
2 34,506.

3 SEN. DAVIS: Okay. Do we have any -- any
4 estimate of the number of people who are currently
5 registered today? If we've only been gathering that
6 information since 2006, do we have any kind of an
7 estimate of the number of people who are currently
8 registered to vote today who do not have a driver's
9 license number to provide?

10 MS. McGEEHAN: Well, if we -- if we look
11 at our entire statewide file, we have 5.2 million voters
12 that did provide a driver's license number or an ID
13 number. We have 2.1 million voters that present -- that
14 provided a social security number. 4 million of them
15 provided both. And then the numbers that have
16 neither -- or the voters that hadn't provided either one
17 is 690,887. So it doesn't necessarily mean that those
18 people haven't been issued, but they didn't -- either
19 they don't have those numbers or they registered before
20 it was required, and so they didn't provide them when
21 they registered if it was pre-2006.

22 SEN. DAVIS: But the question wasn't
23 asked. It was -- I guess as you said, you could
24 voluntarily provide that information prior to '06.

25 MS. McGEEHAN: Well, it was asked, but it

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1 was optional. It was on the form.

2 SEN. DAVIS: Uh-huh. Okay. So we really
3 don't know how many of that group were answering the
4 question voluntarily because they have the number versus
5 those who were not answering it, not because they chose
6 to, but because they did have their driver's license
7 number?

8 MS. McGEEHAN: Yes, you are correct.

9 That's right.

10 SEN. DAVIS: So when we're putting
11 together an estimate of what the cost to educate our
12 voters is going to be and when we think about how
13 significant the changes are that are addressed in this
14 bill, what's your -- what's your process been to try to
15 determine how many people will be impacted and what that
16 voter education is going to need to look like?

17 MS. McGEEHAN: Well, we -- I mean, to be
18 very honest, we haven't done much planning yet. We
19 prepared this fiscal note on Friday. That would be
20 obviously a very important component is trying to
21 identify who the appropriate audiences are, who you need
22 to get the information out to.

23 Senator Williams had approached us earlier
24 today to see if we could do some comparisons to try and
25 further focus in on who those registered voters are that

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1 don't have -- or have not been issued a driver's license
2 or a personal ID number. So we're trying to run some of
3 those numbers right now.

4 SEN. DAVIS: I guess a confusion for me is
5 how we came up with the \$2 million fiscal note for that
6 and yet we don't really know, as you said a moment ago
7 we don't really know how many people will be impacted by
8 it and what that statewide voter education effort is
9 going to need to look like. So where did the \$2 million
10 number come from?

11 MS. McGEEHAN: Well, the \$2 million number
12 came from the way the bill is written because the bill
13 simply says "a statewide voter education effort." So
14 there's not too much detail in the bill as to what's
15 required. Our assumption is that our previous voter
16 education programs might be the model, and they've been
17 around 3 million. And plus, we also noticed that last
18 session the Senate put a \$2 million fiscal note on it.
19 So we thought, well, maybe that's some representation of
20 legislative intent as to what an appropriate voter
21 education program might cost, but --

22 SEN. DAVIS: So we've had voter education
23 efforts in the past that have cost about \$3 million each
24 time we've engaged in the voter education effort. We're
25 talking today about making some sweeping changes to

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1 what's required in order to vote in the state of Texas.
2 Why is the number to educate -- on such a sweeping
3 change for what will likely be a much larger group of
4 impacted people in the state of Texas, why is that
5 number so much lower than the \$3 million number that's
6 currently being spent for voter education?

7 MS. McGEEHAN: Well, if the -- if a
8 \$2 million program is added into an existing \$3 million
9 program, then you've got a \$5 million program. I mean,
10 our voter education under HAVA is directed to all
11 registered voters. And so, you know, a new voter -- a
12 new photo ID requirement would also need to be directed
13 to all registered voters because it's a change for all
14 voters.

15 SEN. DAVIS: So we're talking about -- I'm
16 sorry to interrupt you. We're talking a \$2 million
17 addition to the \$3 million that was already intended for
18 voter education in this next two-year cycle.

19 MS. McGEEHAN: Possibly, possibly. I
20 mean, we -- you know, we've got a communications
21 director that would have some input on that. This
22 fiscal note represented what we thought might be a
23 reasonable fiscal note. If we have, you know,
24 legislative direction to take it a different way or do
25 additional outreach, that's fine. But based on the way

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1 the bill was written and based on the fiscal note filed
2 last time, we thought that was a reasonable number.

3 SEN. DAVIS: So let's say we spend about a
4 total of \$5 million in the next two years with our
5 intended voter education effort that's already been
6 planned and with an additional cost for educating on the
7 requirements of this proposed new law. That's about the
8 balance of the voter education fund right now. Is that
9 correct?

10 MS. McGEEHAN: Well, it's about -- we've
11 spent 9 million. I think the balance -- yeah, the
12 balance is between 5 and 7 million. That's correct.

13 SEN. DAVIS: Okay. So that will take us
14 through about what -- how long of a period of time will
15 that take us through?

16 MS. McGEEHAN: If we used 5 million to do
17 a voter -- a general voter education plan and then
18 another 2 million to do a detailed photo -- photo
19 identification plan, that might -- that might use it up.

20 SEN. DAVIS: And if it uses it up, what
21 will we do in future years to educate our voters about
22 these requirements?

23 MS. McGEEHAN: Well, frankly -- I mean,
24 state law has never appropriated state funds to educate
25 voters. So, you know, these federal funds have been

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1 MS. McGEEHAN: That's correct. And just
2 an example of that, the cost that Bexar County put in
3 the fiscal note was -- I think their assumption was that
4 the certificate, the voter registration certificate
5 would have to increase in size. And I don't see
6 anything in the bill that requires that. And the
7 Secretary of State prescribes the form. So once that's
8 explained to the county, they might withdraw that
9 fiscal --

10 SEN. FRASER: I want to make sure that
11 that's clear, is that some of these assumptions are
12 possibly the-sky-is-falling assumptions that this is --
13 you know, this expense is going to be put on us, and I
14 don't think that's been discussed. And some of this, I
15 think, can be done by ruling of the Secretary of State,
16 directing them. And there is a real good chance that a
17 lot of these expenses go away that can be absorbed
18 through the Secretary of State. And that is correct,
19 isn't it?

20 MS. McGEEHAN: Yes.

21 SEN. FRASER: Okay. I wanted to clear
22 that up. Thank you so much.

23 CHAIRMAN DUNCAN: The Chair recognizes
24 Senator Williams.

25 SEN. WILLIAMS: Thank you, Mr. Chairman.

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1 Ms. McGeehan, I want to add my thanks for
2 you hanging in here with us all day. There's about
3 three things that I would like to clear up with you. I
4 just want to understand unequivocally, HAVA funds can be
5 spent for things like training poll workers. Is that
6 correct?

7 MS. MCCEEHAN: Yes.

8 SEN. WILLIAMS: Okay. Thank you. Then
9 are you familiar with the voter ID bill that went
10 into -- in Utah recently? Have you taken a look at
11 that?

12 MS. MCCEEHAN: No, I have not looked at
13 that.

14 SEN. WILLIAMS: Okay. I just think it's
15 noteworthy, in light of Senator Van de Putte's comments,
16 because the Salt Lake County Clerk's office -- I've got
17 a news report here -- it's confirmed that there were
18 only 13 cases of voters having to pick up their
19 provisional ballots because they didn't have the proper
20 identification to vote when they put this new law into
21 effect. So it seems like it's had a great -- again, one
22 more state where the impact has been really minimal.
23 I'm not sure why we're having these other issues, but I
24 don't think its because of this.

25 And then finally I wanted to ask you, we

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1 had talked earlier about the project that I asked you to
2 do, to cross-reference the driver's licenses and the
3 voter registration. How is that coming along? I know I
4 only asked today, but I just --

5 MS. McGEEHAN: Yes.

6 SEN. WILLIAMS: -- but what is a
7 reasonable expectation for us to get that information?

8 MS. McGEEHAN: I would hope by the end of
9 the week. One thing that our IT folks and our election
10 experts are trying to struggle with is like matching
11 criteria --

12 SEN. WILLIAMS: Right.

13 MS. McGEEHAN: -- you know, which we won't
14 have a TLD number, so we're working through some of
15 that. But I would expect by the end of the week we
16 would have it, if not earlier.

17 SEN. WILLIAMS: Okay. So do you need any
18 further direction from us? For instance, if we wanted
19 to target that universe of people that we know are out
20 there and maybe make a little extra effort to make sure
21 that they understood they were going to have a new
22 requirement when they went to vote as far as getting a
23 photo ID, if they didn't already have one -- and we've
24 identified who they are -- if we gave legislative intent
25 as a part of the bill tomorrow, would that be sufficient

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1 for you-all and the Secretary of State's office to take
2 that direction and know that that's something that we
3 wanted to have done in your training plans and voter
4 education plans?

5 MS. McGEEHAN: Yes. I think if there were
6 a statement of legislative intent, we would certainly
7 follow that.

8 SEN. WILLIAMS: That would be sufficient.
9 Okay. Thank you very much. Appreciate your help.

10 CHAIRMAN DUNCAN: All right. Members, are
11 there any other questions of Ms. McGeehan?

12 Okay. The Chair hears none. Thank you,
13 Ms. McGeehan.

14 The Chair calls David Maxwell, Deputy
15 Director of Law Enforcement, Texas Attorney General's
16 Office.

17 Mr. Maxwell, would you approach and state
18 your name and who you represent, and then we'll open it
19 up for questions.

20 TESTIMONY BY DAVID MAXWELL

21 MR. MAXWELL: I have a written statement
22 that I would like to put into the record, sir.

23 CHAIRMAN DUNCAN: Well, we haven't been
24 doing that.

25 MR. MAXWELL: Okay.

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